

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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YANG ZHANG, :  
Plaintiff, : CASE NO. 1:15-CV-0720  
v. :  
NICOLE CLEVENGER, et al. : OPINION & ORDER  
Defendants. : [Resolving Doc Nos. [1](#), [48](#)]  
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Zhang filed a complaint alleging breach of contract, conversion, and fraud.<sup>1/</sup> Now, Zhang has failed to respond to the court's Order to Show Cause why this action should not be dismissed for failure to prosecute.<sup>2/</sup> On November 3, 2015, Magistrate Judge McHargh recommended that this Court dismiss the action.<sup>3/</sup> Neither party has filed an objection to Magistrate Judge McHargh's Report and Recommendation ("R&R").

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a R&R to which a party has made an objection.<sup>4/</sup> Parties must file any objections to a R&R within fourteen days of service.<sup>5/</sup> Failure to object within that time waives a party's right to have the Court review the R&R.<sup>6/</sup> Absent objection, a district court may adopt the R&R without

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<sup>1/</sup>Doc. [1](#).

<sup>2/</sup>Doc. [48](#).

<sup>3/</sup>Doc. [50](#).

<sup>4/</sup>[28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

<sup>5/</sup>[Fed. R. Civ. P. 72\(b\)\(2\)](#); [LR 72.3\(b\)](#).

<sup>6/</sup>[LR 72.3\(b\)](#); see [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949–50 (6th Cir. 1981).

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review.<sup>7/</sup>

In this case, neither party has objected to the R&R. Moreover, having conducted its own review of the record, this Court agrees with the conclusions of Magistrate Judge McHargh.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge McHargh's Report and Recommendation and incorporates it fully herein by reference. The Court **DISMISSES WITH PREJUDICE** Zhang's complaint.

IT IS SO ORDERED.

Dated: November 24, 2015

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>7/</sup>See [Thomas, 474 U.S. at 149](#).